

See Attachment

(7)
7/26/01
JSM

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL RUSSELL, :
Petitioner, :
v. : CIVIL NO. 1:CV-01-1024
MARTIN F. HORN, et al., : (Judge Caldwell)
Respondents :
:

FILED
HARRISBURG, PA

O R D E R

JUL 26 2001

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS: MARY E. D'ANDREA, CLERK
Per _____
Deputy Clerk

On June 8, 2001, Michael Russell, an inmate at the State Correctional Institution at Waymart, Waymart, Pennsylvania, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

By Administrative Order dated July 3, 2001, the petitioner was notified of the limitations upon his right to file another habeas corpus petition in the future if his current petition is considered by the court. Petitioner was granted forty-five (45) days within which to notify the court of his intentions to either withdraw the current petition without prejudice to filing another § 2254 petition raising all grounds for relief from his conviction; or have the current § 2254 petition ruled on as filed. (Doc. 5).

On July 16, 2001, the petitioner filed a "Petition to withdraw current habeas corpus petition under Rule 2254 and resubmit a correct habeas corpus petition under Rule 2254". (Doc. 6).

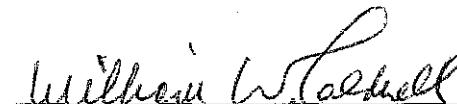
Certified from the record
Date 7/26/01

Mary E. D'Andrea, Clerk

Per _____
Deputy Clerk

Accordingly, this 26th day of July, 2001, it is ordered that:

1. The petition for a writ of habeas corpus is dismissed, without prejudice, to allow petitioner to file another § 2254 petition raising all grounds for relief from his conviction.
2. The Clerk of Court shall close this case.
3. There is no basis for the issuance of a certificate of appealability.


William W. Caldwell
WILLIAM W. CALDWELL
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

July 26, 2001

Re: 1:01-cv-01024 Russell v. Horn

True and correct copies of the attached were mailed by the clerk to the following:

Michael Russell
SCI-WAYMART
CM-0064
P.O. Box 256
Route 6
Waymart, PA 18472-0256

cc:		
Judge	(<input checked="" type="checkbox"/>)	(<input checked="" type="checkbox"/>) Pro Se Law Clerk
Magistrate Judge	(<input type="checkbox"/>)	(<input type="checkbox"/>) INS
U.S. Marshal	(<input type="checkbox"/>)	(<input type="checkbox"/>) Jury Clerk
Probation	(<input type="checkbox"/>)	
U.S. Attorney	(<input type="checkbox"/>)	
Atty. for Deft.	(<input type="checkbox"/>)	
Defendant	(<input type="checkbox"/>)	
Warden	(<input type="checkbox"/>)	
Bureau of Prisons	(<input type="checkbox"/>)	
Ct Reporter	(<input type="checkbox"/>)	
Ctroom Deputy	(<input type="checkbox"/>)	
Orig-Security	(<input checked="" type="checkbox"/>)	
Federal Public Defender	(<input type="checkbox"/>)	
Summons Issued	(<input type="checkbox"/>)	with N/C attached to complt. and served by: U.S. Marshal (<input type="checkbox"/>) Pltf's Attorney (<input type="checkbox"/>)
Standard Order 93-5	(<input type="checkbox"/>)	
Order to Show Cause	(<input type="checkbox"/>)	with Petition attached & mailed certified mail to: US Atty Gen (<input type="checkbox"/>) PA Atty Gen (<input type="checkbox"/>) DA of County (<input type="checkbox"/>) Respondents (<input type="checkbox"/>)
Bankruptcy Court	(<input type="checkbox"/>)	
Other	(<input type="checkbox"/>)	

MARY E. D'ANDREA, Clerk

DATE: 7/26/01

BY: JKm
Deputy Clerk